

MEMORANDUM
COUNTY OF LOUDOUN

DATE: October 5, 2017
TO: Department and Agency Heads
FROM: Tim Hemstreet, County Administrator
SUBJECT: Action Report of the October 3, 2017, Board of Supervisors Business Meeting

Please work with staff to address the Board of Supervisors (Board) action as noted in the Action Report from the October 3, 2017, Board Business Meeting.

Link to webcast of meeting:

http://loudoun.granicus.com/MediaPlayer.php?view_id=69&clip_id=5124&meta_id=128080

ADDITIONS/DELETIONS

Chairman Randall announced the removal of Closed Session Item #2, acquisition of property for public use in the Catoctin District.

Chairman Randall announced the addition of a Closed Session Item regarding a prospective business in Loudoun County.

ADOPTION OF CONSENT AGENDA

Vice Chairman Buona moved that the Board of Supervisors adopt the following items on consent: #1a, 2, 4, 5 (Motion #2), R-1, R-2, R-3, R-4, R-5, and R-6. (Seconded by Supervisor Saines. The motion passed 9-0.)

CHAIR'S INFORMATION ITEMS

Vice Chairman Buona reported on the recent Northern Virginia Transportation Authority's (NVTA) Planning Coordination Advisory Committee. Chairman Randall stated that she attended the NVTA Finance Committee meeting; was interviewed by NACo Magazine; attended the Agricultural Development Professional Conference Tour; participated in a conference call with Virginia Association of Counties (VACo); participated in a conference call with Governing Magazine; and met with students from Main-Taunus-Kreis that are participating in the Student Exchange Program. Chairman Randall announced her Voice for a Cause was Northern Virginia Family Service. For more information on Northern Virginia Family Service visit www.nvfs.org.

BOARD COMMNET

Supervisor Meyer requested that the County Attorney research the legal possibility of the County taking the Greenway via eminent domain. He specifically asked if the County would have to take on the debt associated with the property.

I-1 Briefing Item: Land Development Applications, October 11, 2017, Board of Supervisors Public Hearing (Countywide)

John Merrithew with Planning and Zoning briefed the Board on the land development items scheduled for the October 11, 2017, Board Public Hearing. The agenda includes two (2) land development applications and a proposed amendment to the Codified Ordinances.

The briefing can be viewed via the following link:

http://loudoun.granicus.com/MediaPlayer.php?view_id=69&clip_id=5124&meta_id=128116

Staff Contacts: John Merrithew & Ricky Barker, Planning and Zoning

I-2 Update on Envision Loudoun (Countywide)

Ricky Barker and Chris Garcia with the Department of Planning and Zoning provided a presentation to the Board, which included the current status and progress of Envision Loudoun, an overview of the project work plan as well as planning components and work products to help support future development of the comprehensive plan.

The presentation can be viewed via the following link:

http://loudoun.granicus.com/MediaPlayer.php?view_id=69&clip_id=5124&meta_id=128119

Board Requests:

Supervisor Umstattd requested that staff examine the County budget implications should the Board move forward with the recommended housing increase in the Transition Policy Area.

Supervisor Letourneau requested that staff from the Department of Transportation and Capital Infrastructure speak with the Envision Loudoun Stakeholders Committee regarding the infrastructure accommodations that would need to be made in the Transition Policy Area should they recommend increased buildout, including the stance of Fairfax County on improvements to Braddock Road over the county line.

Supervisor Saines requested that staff identify the specific areas within Sterling for revitalization and redevelopment.

Supervisor Meyer requested that staff and the stakeholders look into the redevelopment of the Route 606 corridor with emphasis on the area east of Route 28 to the Town of Herndon border.

Supervisor Volpe requested that staff and the stakeholders research the estimated buildout date for each scenario.

Supervisor Volpe requested that staff get more specifics on the type of housing within each scenario, specifically separating out Affordable Dwelling Units.

Supervisor Volpe requested that staff provide information in the next report detailing the correlation between the Housing Needs Assessment and the scenarios that are being proposed.

Vice Chairman Buona requested that staff and the stakeholders develop design standards to be included in their recommendation to the Board.

Chairman Randall asked that it be conveyed to the stakeholders that a recommendation of an increase of 18,000 homes within the Transition Policy Area would not be acceptable and to look elsewhere to fill the needed additional units from the Housing Needs Assessment.

Staff Contacts: Christopher Garcia & Ricky Barker, Planning and Zoning

1. APPOINTMENTS

1a. Confirmations

Vice Chairman Buona moved that the Board of Supervisors confirm the following appointments with terms expiring as noted for each committee: Ken Rosenfeld to the Heritage Commission (Dulles representative) (term expires December 31, 2019). (Consent Item) (Seconded by Supervisor Volpe. The motion passed 9-0.)

1b. Nominations

District Specific Nominations

Community Criminal Justice Board

Supervisor Meyers nominated Barbara Tulipane as the Broad Run District representative.

Non-District Specific Nominations

Community Services Board

Chairman Randall nominated Vanessa Cooper as an at-large representative.

Vice Chairman Buona nominated Allonda Alloway-Higgins as an at-large representative.

Disability Services Board

Supervisor Buffington nominated Lori Daly as an at-large representative.

Staff Contacts: Teresa Arauz & Caleb Weitz, County Administration

2. Administrative Items Report of October 3, 2017

Vice Chairman Buona moved that the Board of Supervisors approve the Administrative Items Report of October 3, 2017. (Consent Item) (Seconded by Supervisor Saines. The motion passed 9-0.)

a. Budget Adjustments

The Board of Supervisors moved to 1) approve the budget adjustments as set out in the October 3, 2017 Administrative Items Report; 2) for FY 2017, increase the Public Facilities Fund by \$783,650; and increase the Capital Projects Fund by \$783,650; and 3) for FY 2018, increase the revenue budget of the General Fund by \$41,403.60 and expenditure budget by \$4,832,746.54; increase the Legal Resources Fund by \$3,450; increase the Public Facilities Fund by \$1,693.40; increase the Transportation District Fund by \$12,326,699; and increase the Capital Projects Fund by \$14,707,559.

b. Deeds for Approval

RDAB-2015-0001, Highland Ave Vacation – Paeonian Springs (Highland Avenue partial vacation)

The Board of Supervisors moved to approve the aforementioned deeds as presented and that the Chairman, Vice-Chairman, or the County Administrator or his designee be authorized to execute and deliver the appropriate aforementioned deeds in form as approved by the County Attorney.

c. CMPT-2017-0006 Dulles North Elementary School (ES-31) Timeline Extension

The Board of Supervisors moved to approve a timeline extension to four months from the date of application acceptance (September 30, 2017), to December 31, 2017, for Planning Commission action on CMPT-2017-0006, Dulles North Elementary School (ES-31).

d. Secondary Road Addition: Virginia Department of Transportation Project, 0028-053-114, Nokes Boulevard, Ramps E&G

The Board of Supervisors moved to adopt the Resolution.

e. Board of Supervisors' Minutes

The Board of Supervisors moved to approve the Board of Supervisors Minutes as provided in Attachments 1 and 2 of the October 3, 2017, Board of Supervisors Business Meeting Action Item 2e.

f. 2017 Board of Supervisors Calendar

The Board of Supervisors moved to approve the Revised 2017 Board of Supervisors Calendar included as Attachment 1 to the October 3, 2017, Board of Supervisors Administrative Items Report Item 2f.

Staff Contact: Caleb Weitz, County Administration

3. State Legislative Program (Countywide)

Vice Chairman Buona moved that the Board of Supervisors add the proposed legislative initiatives and policy statements, as recommended by staff in sections 1 and 2 of the October 3, 2017, Board of Supervisors Business Meeting Item, to the proposed 2018 Legislative Program.

Vice Chairman Buona further moved that the Board direct staff to develop strategies for potential future legislation that would preclude continued toll increases granted through current regulations, and work with representatives of the Greenway to address the County's concerns.

Vice Chairman Buona further moved that the Board direct staff to develop a workgroup made up of staff from the Department of Building and Development, Loudoun County Fire and Rescue, and the Department of Economic Development to determine what life and safety

issues at minimum should be addressed within agricultural structures and what the potential cost and impact to business operations may be, and vet potential options through appropriate stakeholders. (Seconded by Chairman Randall. The motion passed 9-0.)

Board Request:

Supervisor Meyer requested that staff determine if the Greenway had ever been denied a requested toll increase.

Staff Contact: Gwen Kennedy, County Administration

4. Proposed Revisions to the Policies for Board of Supervisors' Staff Aides (Countywide)

Vice Chairman Buona moved that the Board of Supervisors adopt the revisions to the Policies for Board of Supervisors' Staff Aides as presented in Attachment 1 to the October 3, 2017, Board of Supervisors Business Meeting Action Item with an effective date of October 5, 2017. (Consent Item) (Seconded by Supervisor Saines. The motion passed 9-0.)

Staff Contact: Caleb Weitz, County Administration

5. Proposed Amendments to Chapter 612 of the Codified Ordinances of Loudoun County, "Dogs and Other Animals" (Countywide)

Chairman Randall moved that the Board of Supervisors approve the proposed draft amendments to Chapter 612 of the Codified Ordinances as provided in Attachment 1 of the October 3, 2017, Board of Supervisors Business Meeting Action Item with the addition to sections 612.02, Definitions, and 612.19, Other Unlawful Acts, including the agricultural animal exemption and definition of farming activity as described in the action item. (Consent Item) (Seconded by Supervisor Saines. The motion passed 9-0.)

Staff Contacts: Mark Stacks & Nina Stively, Animal Services; Robert Middaugh, County Administration

6. CMPT-2017-0004, WB Xpress Project (Blue Ridge)

Supervisor Buffington moved that the Board of Supervisors ratify CMPT-2017-0004, WB Xpress Project, subject to the Commission Permit Plat dated May 2, 2017, as revised through September 11, 2017, and prepared by Brockenbrough Engineering and Consulting, and based on the Findings for Approval as provided in Attachment 1 to the October 3, 2017, Board of Supervisors Business Meeting Action Item. (Seconded by Supervisor Higgins. The motion passed 6-2-1: Supervisors Randall and Umstattd opposed; Supervisor Saines abstained.)

Staff Contacts: Josh Peters & Ricky Barker, Planning and Zoning

7. SIDP-2016-0008, Avonlea Sign Development Plan (Dulles)

Supervisor Letourneau moved that the Board of Supervisors approve SIDP-2016-0008, Avonlea Sign Development Plan, based on the Findings for Approval and subject to the Conditions of Approval dated September 21, 2017, as provided in Attachments 1 and 2 to the October 3, 2017, Board of Supervisors Business Meeting Action Item. (Seconded by Supervisor Buffington. The motion passed 9-0.)

Staff Contacts: Randall Farren & Ricky Barker, Planning and Zoning

8. Board Endorsement of Statement/Commonwealth Transportation Board 2017 Fall Transportation Meetings (Countywide)

Supervisor Volpe moved that the Board of Supervisors adopt the letter that is Attachment 2 to Item #8 with the following recommended changes:

- a. To the second paragraph beginning with the word “Following,” add more assertive language regarding the Board’s concerns with the new restrictions on the number of transportation projects allowed to be proposed for SMART SCALE and more specifically add clear and concise language that addresses the Virginia Department of Transportation’s concerns over a lack of resources as the primary reason for such a troublesome change.
- b. To the third paragraph beginning with “Secondly,” add more assertive and direct language with regard to the Board’s concerns with the proposed scoring of Economic Development initiatives and the new and sole focus only on new development and not existing development under Measures which may lessen the county’s ability to retain existing businesses and residences.
- c. Make these revised changes working through the Board’s Transportation and Land Use Chair and any other necessary technical and grammatical changes as required and bring back these changes for Board’s final consideration and approval at its October 19, 2017, Business Meeting consent agenda. (Seconded by Vice Chairman Buona.)

Supervisor Volpe accepted Chairman Randall’s Friendly Amendment to include Chairman Randall in the review process prior to the Board’s final consideration for approval.

The motion, as amended, passed 8-1: Supervisor Meyer opposed.

Staff Contacts: Penny Newquist, Bob Brown & Joe Kroboth, Transportation and Capital Infrastructure

9. Response to Board Member Initiative: Feasibility Study of Pedestrian Crossings along Harry Byrd Highway (Route 7), East of Cascades Parkway and West of Dranesville Road (Sterling)

Supervisor Saines moved that the Board of Supervisors direct staff to forward the installation of three (3) at-grade pedestrian crossings on Route 7 at Bartholomew Fair Drive/Campus Drive; Lakeland Drive and Potomac View Drive with an estimated cost of \$822,000, to the Fiscal Year 2019 Capital Improvement Program budget deliberation process for further review in the following priority order:

- Priority 1: Route 7 at Bartholomew Fair Drive (Route 1732)/Campus Drive
- Priority 2: Route 7 at Lakeland Drive (Route 821)
- Priority 3: Route 7 at Potomac View Drive (Route 637)

Supervisor Saines further moved that the Board of Supervisors direct staff to include the discussion of sidewalk connectivity to the pedestrian crossings discussed in this item to the Bicycle and Pedestrian Plan Item scheduled for presentation at the November 2017 meeting of the Transportation and Land Use Committee.

Supervisor Saines further moved to direct staff to incorporate the consideration relating to overhead pedestrian crossings to be a part of the forthcoming discussion and comprehensive study of the Route 7 corridor to be completed following direction received at the June 29, 2017, Transportation Summit. (Seconded by Supervisor Meyer.)

Supervisor Saines accepted Supervisor Volpe's Friendly Amendment to direct staff to work with the Envision Loudoun process regarding the consideration relating to overhead pedestrian crossings along the Route 7 corridor in connection to their work with revitalization of that area and as it relates to the Countywide Transportation Plan.

The motion, as amended, passed 9-0.

Staff Contacts: Eloisa Thring & Joe Kroboth, III, Transportation and Capital Infrastructure

10. Board Member Initiative: County Performed Traffic Studies on Legislative Land Development Applications

Supervisor Letourneau moved that the Board of Supervisors direct staff to research and report back to the Board of Supervisors a process change that would result in the County taking over the responsibility for development and completion of traffic studies for legislative land development applications. (Seconded by Supervisor Buffington.)

Supervisor Letourneau accepted Vice Chairman Buona's Friendly Amendment to add "and any associated implications" between "process change" and "that would result".

The motion, as amended, passed 9-0.

Board Requests:

Supervisor Meyer asked staff to examine the process to make sure it does not become either cost or time prohibitive to the County.

Chairman Randall and Supervisor Volpe requested the County Attorney's input for any legal implications for the County taking over the traffic studies.

Staff Contacts: Monica Filyaw, Legislative Aide to Supervisor Letourneau; Shevaun Hochstetler, Legislative Aide to Supervisor Buffington

11. Board Member Initiative: Safety Audit of Route 621, Evergreen Mills Road

Supervisor Buffington moved that the Board of Supervisors direct staff to identify funds to engage a transportation safety consultant to develop a scope of work and plan to conduct a safety audit of Route 621 - Evergreen Mills Road between Battlefield Parkway and Loudoun County Parkway and Route 860 - Watson Road between Evergreen Mills Road and Route 50 and return to a future Board of Supervisors meeting with a cost estimate. (Seconded by Supervisor Higgins. The motion passed 9-0.)

Staff Contacts: Shevaun Hochstetler, Legislative Aide to Supervisor Buffington; Stacy Carey, Legislative Aide to Supervisor Higgins

12. Finance/Government Operations and Economic Development Committee Report:

12a. Nonprofit Organizations' Requests for Property Tax Exemption by Designation (Countywide)

Supervisor Letourneau moved the recommendation of the Finance/Government Operations and Economic Development Committee that the Board of Supervisors forward the exemption applications for Hero Homes, Inc. and Makersmiths, Inc., to a Board of Supervisors Public Hearing. (Seconded by Vice Chairman Buona.)

Chairman Randall's Amendment to include Automotive Coalition for Traffic Safety, Inc. FAILED due to lack of a second.

The motion passed 8-0-1: Supervisor Letourneau abstained.

Staff Contacts: Darya Thompson & Robert Wertz, Jr., Commissioner of the Revenue

R-1 Proclamation Declaring October 2017 "National Fire Prevention Month" (Approval & Presentation)

Vice Chairman Buona hereby moved that the Loudoun County Board of Supervisors adopt a proclamation declaring the month of October 2017 as "National Fire Prevention Month," and urge all our residents to use this year's theme, "Every Second Counts: Plan 2 Ways Out!", as a reminder to develop a home escape plan with everyone in the household and practice it twice a year. (Consent Item) (Seconded by Supervisor Saines. The motion passed 9-0.)

Staff Contact: Bo Machayo, Legislative Aide to Chair Randall

R-2 Resolution of Appreciation - Larry Stipek (Approval & Presentation)

Vice Chairman Buona moved that the Board of Supervisors adopt a Resolution of Appreciation for Larry Stipek for his dedicated service to the residents of Loudoun County. (Consent Item) (Seconded by Supervisor Saines. The motion passed 9-0.)

Staff Contact: Bo Machayo, Legislative Aide to Chair Randall

R-3 Proclamation to Recognize October 2017 as Domestic Violence Awareness Month (Approval & Presentation)

Vice Chairman Buona moved that the Board of Supervisors adopt a Proclamation to Recognize October 2017 as Domestic Violence Awareness Month. (Consent Item) (Seconded by Supervisor Saines. The motion passed 9-0.)

Staff Contact: Bo Machayo, Legislative Aide to Chair Randall

R-4 Proclamation to Recognize September 15 through October 15, 2017, as Hispanic Heritage Month (Approval & Presentation)

Vice Chairman Buona moved that the Board of Supervisors approve this Proclamation to recognize September 15 through October 15, 2017, as Hispanic Heritage Month in Loudoun County. (Consent Item) (Seconded by Supervisor Saines. The motion passed 9-0.)

Staff Contact: Jacqueline Pujol, Legislative Aide to Supervisor Saines

R-5 Proclamation to Recognize Diwali Holiday 2017 (Approval)

Vice Chairman Buona moved that the Board of Supervisors approve this Proclamation of Recognition in honor of the contributions of Indian Americans to our County and wishing them a festive Diwali celebration. (Consent Item) (Seconded by Supervisor Saines. The motion passed 9-0.)

Staff Contact: Monica Filyaw, Legislative Aide to Supervisor Letourneau

R-6 Resolution to Recognize Jibreel A. Jaka for Achieving Eagle Scout Rank (Approval)

Vice Chairman Buona moved that the Board of Supervisors approve this Resolution to recognize Jibreel A. Jaka for achieving Eagle Scout Rank. (Consent Item) (Seconded by Supervisor Saines. The motion passed 9-0.)

Staff Contact: Jacqueline Pujol, Legislative Aide to Supervisor Saines

CLOSED SESSION I

Vice Chairman Buona moved that the Board of Supervisors recess this public meeting and enter into closed session pursuant to Section 2.2-3711 (A) (5) of the Code of Virginia to discuss a prospective business interested in locating in Loudoun County where no previous announcement has been made. (Seconded by Supervisor Buffington. The motion passed 9-0.)

Vice Chairman Buona moved that the closed session be adjourned, that the Board of Supervisors reconvene its public meeting, and that the minutes of the public meeting should reflect that no formal action was taken in the closed session. (Seconded by Supervisor Buffington. The motion passed 7-0-2: Supervisors Letourneau and Higgins absent.)

Vice Chairman Buona moved that the Resolution Certifying the Closed Session be adopted and reflected in the minutes of this public meeting. (Seconded by Supervisor Buffington. The motion passed 7-0-2: Supervisors Letourneau and Higgins absent.)

Resolution Certifying Closed Session

Whereas, the Loudoun County Board of Supervisors this 3rd day of October, 2017, convened in closed session by an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Now, therefore, be it resolved that the Board of Supervisors does hereby certify that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open

meeting requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and (2) only such public business matters as were identified in the motions by which the said closed session was convened were heard, discussed or considered by the Board of Supervisors.

CLOSED SESSION II

Vice Chairman Buona moved that the Board of Supervisors recess this public meeting and enter into closed session pursuant to Section 2.2-3711 (A) (7) of the Code of Virginia to consult with legal counsel and staff members pertaining to actual litigation. (Seconded by Supervisor Buffington. The motion passed 9-0.)

Vice Chairman Buona moved that the closed session be adjourned, that the Board of Supervisors reconvene its public meeting, and that the minutes of the public meeting should reflect that no formal action was taken in the closed session. (Seconded by Supervisor Volpe. The motion passed 9-0.)

Vice Chairman Buona moved that the Resolution Certifying the Closed Session be adopted and reflected in the minutes of this public meeting. (Seconded by Supervisor Volpe. The motion passed 9-0.)

Resolution Certifying Closed Session

Whereas, the Loudoun County Board of Supervisors this 3rd day of October, 2017, convened in closed session by an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Now, therefore, be it resolved that the Board of Supervisors does hereby certify that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and (2) only such public business matters as were identified in the motions by which the said closed session was convened were heard, discussed or considered by the Board of Supervisors.